



THE CITY OF NEW YORK
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January 25, 2024

BY ECF

Honorable Ona T. Wang
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Jose Rodriguez vs City of New York, et al., 23-CV-05531 (LAK) (OTW)

Your Honor:

I am a Senior Counsel in the Office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney assigned to the defense of the above-referenced matter. I write with the consent of Plaintiff's counsel, Joel Wertheimer, to respectfully request a 45-day extension of time, from January 29, 2024, to March 14, 2024, for Defendant City to answer or otherwise respond to the Amended Complaint. This is the second request for an extension of time to respond to the Amended Complaint. The first request for a 30-day extension was granted on January 2, 2024. (Docket Entry No. 23).

The reason for this request is that the undersigned was just assigned to this matter on January 22, 2024, following the abrupt departure of the previous Assistant Corporation Counsel who was assigned to this case. As Your Honor may recall, this case involves the Plaintiff's 1982 murder conviction and his subsequent 40-year incarceration. Upon information and belief, Plaintiff's conviction was ultimately overturned in 2021 on the grounds that plaintiff was allegedly deprived the right to a meaningful appeal.

Following the July 26, 2023, initial conference, on September 12, 2023, Plaintiff sought additional time, until October 6, 2023, to file a proposed amended complaint, which was granted. (Docket Entry Nos. 15-16) On October 6, 2023, Plaintiff requested an additional sixty days, until December 8, 2023, to file a proposed amended complaint, or, in the alternative, a sixty day stay so that incoming Plaintiff's counsel could familiarize themselves with the case. (Docket Entry No. 17) That request was also granted. (Docket Entry No. 18) On December 8, 2023, it appears that

Plaintiff filed an amended complaint, as opposed to a proposed amended complaint, which includes more than 160 paragraphs of allegations. Accordingly, and given the undersigned's recent assignment to this matter and the City's position that a motion to dismiss may be appropriate in this case, Defendant City respectfully requests an additional 45 days to review the complaint and thereafter appropriately respond.

For the reasons set forth above, Defendant City respectfully requests until March 14, 2024, to answer or otherwise respond to the Amended Complaint. Defendant City thanks the Court for its time and consideration of this request.

Respectfully submitted,

/s/ Amy Robinson

Amy Robinson

Senior Counsel

Special Federal Litigation Division

cc: **By ECF**
All attorneys of record